

REMARKS

This paper is filed in response to the office action mailed on September 22, 2004. No claims have been canceled; claims 1, 3-7 and 9-11 have been amended; claims 12-16 have been added. Claims 1-16 are pending.

The office action rejects claims 1-11 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. In response, the errors cited in the office action of page 2 have all been corrected in amended claims 1, 3-4, 7 and 10. In addition, other clarifying amendments have been made.

Turning to the rejections based upon the prior art, the Patent Office rejects claims 1-2 under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,512,264 ("Ogle"). Then, the office action rejects claims 3-4 and 6-11 under 35 U.S.C. § 103 as being unpatentable over Ogle and U.S. Patent No. 6,344,394 ("Kaneoka").

In response, the limitations of original claim 5 have been deleted from amended claim 5 and added to claim 1 thereby rendering claim 1 and dependent claims 2-11 allowable over the prior art of record. Claim 5 was not rejected based upon prior art in the office action.

New claims 12-16 are also allowable as independent claim 12 recites the step of implementing an annealing process so that the defect density at the interface between the tunnel oxide 12 and the substrate 10 is minimized. Support for this concept and claim limitations appears on page 5, lines 9-16 of the application as filed. Applicants respectfully submit that neither Ogle or Kaneoka teach or suggest this concept in connection with the formation of a floating gate electrode as recited in independent claim 12. Applicants further respectfully that the other art of record fails to teach or suggest this concept either.

Therefore, applicants respectfully submit that claims 12-16 are allowable over the prior art of record as are claims 1-11. An early action indicating the allowability of this application is respectfully requested.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Dated: December 13, 2004

Respectfully submitted,

By 

Michael R. Hull

Registration No.: 35,902
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, IL 60606-6357
(312) 474-6300
Attorney for Applicant